



Docket No.: 1594.1291

Handwritten initials and signature
JFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of:

Dae-Sung HAN et al.

Application No. 10/713,159

Group Art Unit: 3742

Filed: November 17, 2003

Examiner: Fuqua, Shawntina T.

For: COOKING APPARATUS

REPLY BRIEF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Examiner's Answer mailed May 2, 2006. The Examiner's Answer includes Grounds of Rejection in item (9) on pages 3-5 that appear to be identical to items 2 and 4-6 on pages 2-4 of the June 3, 2005 Office Action. The Examiner's Answer also includes a Response to Argument in item (10) on pages 6-7. The following is the Appellant's reply to the comments in item (10) of the Examiner's Answer.

In item (11), the Examiner maintains that Ragland discloses "three reflectors (8 on right, 8 on left, 16) located below a rear surface of heating element (4). The Examiner also maintains that Ragland discloses "an air layer between the reflectors since reflector 16 is placed slightly above reflectors 8."

It is submitted again that the electric barbeque grill of Ragland is configured differently from the cooking apparatus of the present invention. Nothing in Ragland discloses that the inserts (8 and 16) are located *below a rear* surface of the heating element (4) as stated by the Examiner. *Instead*, these inserts (8 and 16, see FIG. 1) are positioned only below the heating element (4).

By contrast, the claimed reflecting members are provided at predetermined positions around a rear surface of the heating unit and are installed to be spaced apart from each other by a predetermined gap to provide an air layer between the reflecting members. Thus, for example, the far infrared rays generated by each heating unit 20 are repeatedly reflected by the three reflecting members 50a, 50b, and 50c to be guided to the front of the heating unit 20. The heat

generated by each heating unit 20 is thus limitedly transmitted to a rear portion of the heating unit 20 due to a heat insulating effect of the air layer provided between the three reflecting members 50a, 50b, and 50c, so most of the thermal energy generated from each heating unit 20 is transmitted to the front of the heating unit 20 and is used to cook food (see paragraph 0021 and FIGS. 2 and 3 of the Applicant's specification).

In light of the above, it is respectfully submitted that the barbeque grill of Ragland is fundamentally different from the cooking apparatus of the present invention because the inserts (8 and 16) of Ragland are not provided at predetermined positions around a rear surface of the heating element 4.

In column 3, lines 33-35, Ragland clearly teaches that a multilayer metal foil insert is provided in the cover or top of the electric grill and preferably also in the bottom portion of the electric grill. FIGS. 1 and 3 of Ragland teaches that the inserts (8, 9, 16, 17) and the cover portion 32 are positioned *above*, *below*, and *on the side* of the heating element 4. Nothing in the Ragland references teaches that the multilayer metal foil inserts are provided in a *rear* portion of the heating element 4, nor does Ragland define a rear portion of the heating element 4. None of the inserts (8, 9, 16, 17) and the cover portion 32 are installed to be spaced apart from each other by a predetermined gap to provide an air layer therebetween like the claimed reflecting members as recited in claim 1.

With regard to claims 4-10, 15, and 16, Appellants' point again MPEP § 2143.01 which states, "[i]n determining the propriety of the Patent Office case for obviousness..., it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972). Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP § 2143.01. It would not have been obvious to a person of ordinary skill in the art to combine the cited prior art references to teach the features as recited in claims 4-10, 15, and 16 of the present invention.

For the reasons set forth above, it is submitted that the Examiner's Answer does not rebut the arguments made in the Appeal Brief and during prosecution of the present application. Therefore, it is respectfully submitted that the Examiner's final rejection of the claims is without

support and erroneous. Accordingly, the Board of Patent Appeals and Interferences is respectfully urged to so find and to reverse the Examiner's final rejection.

If any additional fees are required in connection with the filing of this Reply Brief, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 6-30-06

By: Derrick L. Fields
Derrick L. Fields
Registration No. 50,133

1201 New York Ave., N.W.,
Suite 700
Washington, D.C. 20005
(202) 434-1500